

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**CRAIG J.L. NELSON,**

**Defendant.**

**8:95CR127**

## ORDER

Defendant Craig J.L. Nelson (Nelson) appeared before the court on September 29, 2005, on an Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 46). Nelson was represented by Assistant Federal Public Defender Julie B. Hansen and the United States was represented by Assistant U.S. Attorney Christian A. Martinez. Through his counsel, Nelson waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause and that Nelson should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Through counsel, Nelson declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Since it is Nelson's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Nelson has failed to carry his burden and that Nelson should be detained pending a dispositional hearing before Senior Judge Strom.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:30 a.m. on October 17, 2005**. Defendant must be present in person.

2 Defendant Craig J.L. Nelson is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 29th day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge